

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

6-Copies

John E. Hargrove, a.k.a. Sun Warrior)
418, Lar-Torvis-Rarious, ~~Mother is severely~~
North Eastern Ohio Correctional center
Plaintiff 2240 Hubbard
Road, Youngstown
Ohio, 44505

-vs-

Judge John P. Bailey, N.D.W.V., - Sharon
L. Potter U.S. Attorney N.D.W.V., - A.U.S.)
A. David Perri, A.U.S.A. Robert McWilliams
Ms. A.U.S.A. Erin Reisen Weber
Defendant(s)

U.S. District Court
P.O. B. 471
Wheeling, W.V. 26003

CASE NO. _____

JUDGE _____

JUDGE ECONOMUS

Magistrate/Judge Exceptable *J.H.*
"Jury Commanded"
COMPLAINT

Facts

MAG. JUDGE PEARSON

- ① That on January 5, 2007, Federal Agent Michael Chance showed up at the Plaintiff's apartment at 343 Park Street, 1st floor and executed a Search and Seizure Warrant. That agent M. Chance of the New Haven, Connecticut, Federal Bureau of Investigations. As well as numerous other Task Force agents from local surrounding towns. Agent M. Chance and other agents seized not only ~~perse~~ personal property of this Plaintiff but, the Plaintiff children as well.
- ② After a voluminous number of motions filed by the Plaintiff PRO-SE, in the N.D.W.V. District Court at 217 West King St., Martinsburg, W.V. Chief District Judge John P. Bailey finally on a hearing on or about Sept. 25, 2008. Asked A.U.S.A.'s Mr. David Perri, if there was any factual basis for the United States to not return to this Plaintiff his property? A.U.S.A.'s Mr. Perri and Robert McWilliams conceded at the hearing that. There existed within the

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Facts Page 2. Continued.

② volumous inventory seized from the Plaintiff as well as other members of his home some of whom were minors at the time of the seizure.

Dispite the length of time the Plaintiff was under investigation. There was never any mention by this Plaintiff, that he used property belonging to any one else in his home. The defendants property that was originally sought after by the Plaintiff.

Was confined to a very small area of the Plaintiffs bedroom. As can be seen in photo's of the evidence scene. Agents knew the defendant's/ Plaintiffs true identity, as well as his area of his apartment were his computer and property were confined to.

③ Dispite the above fact they seized every piece of Electronic, media storage devices, photo's, family VHS, movies, computer games, digital camera, Rolls of undeveloped film. Ninty five percent of the property seized belonged to the minors in his home.

④ The government and Court refused a great deal of Pro-se motions filed by the Plaintiff, for the return of all this property. All of which dispite A.U.S.A.'s D. Perry, Erin Reisenweber, Robert

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Facts page 3. Cont.

④ McWilliams, as well as Chief Judge John Preston Bailey, and at the time, A.U.S.A. Erin Riesenweber. Where all completely aware that after well in excess of a year, and numerous analysis by C.A.R.T. examiners. That "Nothing" seized from this defendant on January 5, 2007, contained any fruits, as was related to this Plaintiffs Criminal Case. In fact the original grand jury Indictment issued on July 17, 2007, was only a three Count indictment of charges. There was no mention at that time of possible forfeiture of the Plaintiffs seized property.

Then suddenly the paperwork I began receiving from the Court said 4 Count indictment!

Ultimately on a verbal motion before Judge John P. Bailey, on or about; September 25, 2008. Judge Bailey at this point questioned A.U.S.A. David Perri, and Robert McWilliams.

Judge Bailey asked Mr. Perri, does + his defendants property as seized on January 5, 2007; contain any fruits of the crimes for which this Plaintiff/defendant, is going on trial for?

After a brief conference between A.U.S.A. Mr. Perri, and Mr. McWilliams. Mr. Perri spoke

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Facts page 4. Cont.

(4.)

up and stated that in fact No Evidence, was found, and that the U.S. government was dropping the forfeiture clause on the defendants property. The U.S. assistant Mr. Perri, asked the Plaintiff if he would be willing to sign a statement to the effect that the hard drive in the defendants used computer, was a true copy of that hard drive.

At this point the Plaintiff said that he would not sign any such paper, until such time as the Plaintiff was actually able to connect the hard drive to his computer and verify the contents of the hard drive.

At this point the court intervened and asked the defendant if the Plaintiff needed the property in contention with his defense?

The Plaintiff said no. The court at this point then told A.U.S.A.'s Mr. Perri, and Mr. McWilliams that when the trial was over, The U.S. was to return this Plaintiffs property, promptly.

(5.)

This Plaintiffs trial ended five days later on October 3, 2008. The Plaintiff again at this point raised the issue, of the U.S. returning

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⑤ his personal property. A.U.S.A.'s Mr. Perri, informed the Court that Mr. Perri, and Mr. McWilliams would see to it's return. On or about the end of November, 2008. This Plaintiff filed for his property again by motion. To wit the Plaintiff never even received a reply.

Then again in Court before Judge J.P. Bailey on December 12, 2008. This Plaintiff again verbally addressed the Court concerning his property. The Court again questioned A.U.S.A. Mr. Perri, and Mr. Robert McWilliams, as to the defendants property and why it had not yet been returned? Mr. Perri spoke up and said something to the effect, of a delay due to the death of an out of state federal agent.

While I felt for the loss of an officer and father. It was and still is apparent to this Plaintiff, that Mr. Perri was looking to buy time.

From Oct. 3, 2008 to Dec. 12, 2008. The U.S. had already had approximately ninety days to effect the return of this Plaintiffs personal property.

As of this date February 13, 2009, just over five months have elapsed. ~~Dis~~

⑥ This Plaintiff since December 12, 2008, has

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Facts page 6. Cont.

at least one more motion in the U.S. D.C. N.D.W. V. @ Martinsburg, W.V., and again has yet to even obtain an answer to this motion.

(I would gladly have provided a copy of the motions. However, this Plaintiff was transferred to his current place of custody. @ North East Ohio Correctional Center, 2240 Hubbard Rd., Youngstown, OH 44505). The Marshalls in West Virginia basically refused to allow me to bring my paper work. (LEGAL Paperwork). Therefore I the Plaintiff cannot provide this court with copies of filed motions as pertains to this matter. The Plaintiff is still pursuing the U.S. Marshalls in Martinsburg, W.V., for his law books and legal papers.

Conclusion

Persuant to Rule 41(a) Return of Seized property.

Then in light of the fact that Chief Judge John P. Bailey, has seemingly, refused to stand by his authority.

It is all of the above reasons, wherein this Plaintiff, has come to request that this Court, intervene ~~and~~ to

1. Command that this Plaintiffs property be immediately returned to this ~~de~~ Plaintiff.

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Conclusion page 2 Cont

2. If not this Plaintiff has submitted for this Court, an itemised list of property seized.

It's hard to put a price ~~on~~ on lost photos, and movies of loved ones who have departed. As well as the loss of memories that will now possible not be available to pass on down to the generations of my children, grand children and so on.

Furthermore there are pictures and movies of my ~~A~~ girlfriends Sons, and deceased brother, that she has lost because agents seized property belonging to people in my house at the time of the search, who've inevitable been without their possessions and memories now for three years.

I feel that these persons deserve some compensation for their loss's as well.

I would respectfully request that this Court in addition to the amount this Plaintiff seeks (\$51,924.98) Fifty One Thousand, Nine Hundred twenty four dollars, and ninety eight Cents. That an additional forty Thousand dollars, be added to the above amount. This \$40,000.00, will be divided between the four victims who've lost their property as a result of a search warrant that was issued against this Plaintiff. Total amount if awarded to

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Conclusion page 3. Cont.
be (\$91,924.98).

This Plaintiff prays this Court will inter-
vene and that Justice for all will prevail.

Respectfully Submitted
John E. Hargrove
17566-014

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Computer # 1 Black Generic Tower

Costs of Property Seized ¹⁻⁵⁻⁰⁷ Custom Built

Quantity

Cost

1.	Tower Casing	1	\$149.00 ✓
2.	G-Force - ASI Motherboard	1	\$460.00 ✓
3.	450-V, Variable power supply	1	\$89.00 -
4.	1024 mgbt Ram, Ultra Cooling	1	\$149.00
5.	DVD+CDRW+DVDRW	1	\$180.00 -
6.	2nd. DVD+CDRW	1	\$67.00 -
7.	ASI G-Force 3-D video graphics Card	1	\$279.00 ✓
8.	Western Digital harddrive 80 gbps. 74rpm	1	\$129.00 -
9.	Extreme Sound Card, Sateco, base host, 6-spk.	1	\$249.00 -
10.	AMD Processor, gaming 36 gbps	1	\$500.00 -
11.	52X CDRW	1	\$60.00 -
12.	8 USB-2.2 ports	1	\$40.00 -
13.	Two additional 4" cooling fans	2 @	\$49.00 each \$98.00
14.	10X100X1000 connection Card	1	\$120.00
15.	Fax Modem	1	\$30.00
16.	Windows XP-Pro Operating disk	1	\$28.00

Initial Cost of computer before upgrades was \$750.00

1 \$750.00

Total Cost

\$3,608.00

17. Wireless Internet card

40.00

3,708.00

3,708.00

Total Cost all 3 computer # ~~5,664.99~~ 5,774.99

Conservative

Total amount of Suite \$91,924.98
Plus payment for all Court fees, Marshall fees
and Costs

Computer No 2.

Gateway 450 P.C.

Costs of Property Seized + ~~5~~ 1-5-07

Original purchase cost

Up Grades.

		Quantity	Cost
		1	\$ 350.00
1.	DVD+CDRW	1	\$130.00
2.	Uped to 512 mgbt. ram from 128 / 2x 256 mgbt.	2	\$ 90.00
3.	High Speed 10X/100	1	\$ 49.99
4.	AGP 3-D graphics video Card.	1	\$ 214.00
5.	2 USB 2.2 ports	1	\$ 20.00
6.	ASI Sound Card 6-Blaster self cooling fan	1	\$ 289.00
7.	52X CDRW	1	\$ 60.00
8.	Gateway system disk, bios, device drivers / Wind 98	1	\$ 140.00
9.	Wireless Internet Card	1	\$ 40.00
10.	ASI Mother board	1	170.00

Total Cost

\$1,322.99

+40

1,362.99

1,170.00

1,532.99

3-copies

Costs of Property

Seized on 1-5-07

Computer No. 3,

H.P. 6430A

Quantity	Cost	Initial Cost	
1	\$156.00	upgraded hard drive to 20gbt.	1
1	\$74.00	DVD+CDRW	2
1	\$80.00	upgraded from 24x to 52x CD rom	3
1	\$60.00	3 4 U.S.B. ports 2.2.	4
1	\$20.00	upgraded from Win. 98, to Win XP Operating syst	5
1	\$110.00	wireless Internet Card.	6
1	\$40.00		

Total Cost

\$534.00

3 Copies

Costs of Property Seized on 1-5-07

Cellphone / misc. photo, Music, and V.H.S.
movies. / books on CD's.

all prices
minus tax.

Cellphones

Cost:

- | | | |
|----|---|-----------|
| 1. | 1- New Boost Mobil - Nextel prepaid | \$ 80.00 |
| 2. | 1- New Boost Mobil - Nextel / pre-paid | \$ 80.00 |
| 3. | 1- New Cingular Motorola Razor phone Black | \$ 350.00 |
| 4. | 1- Verizon Lg. model / Photo phone / pre-paid | \$ 75.00 |
| 5. | 1- Verizon Lg. model / photo phone / Pre-paid | \$ 75.00 |
| 6. | 4. Various pre-paid cellphones | \$ 200.00 |
| | Approximately | \$ 860.00 |
| | Total for Cellphones | |

32 V.H.S. home family Movies

Each V.H.S. Memorex extended play blank
tape costs \$6.99 each for a total of
DCE'S NOT ~~Include~~ Include Sentimental
Value of family footage that can never be
Replaced!!

\$224.00

"Personal family Photo's"

literally hundreds of photo's of family
trips, get togethers, many of which can never
be replaced physically or by memory of
loved ones no longer with us. Just the
cost of the blank C.D.'s without the
photo's. Easily exceeds One Hundred dollars.

\$100.00 +
plus
?

Music C.D.'s

Again hundreds of dollars spent in costs ~~and~~

3 Copies

Computer Software Seized

Cost of Property Seized 1-5-07

		Quantity	Cost
1.	C.D. burned Copy of D-M-5	1	\$300.00
2.	H.P. Printer disk, driver, software	2	$\frac{90.00}{90.00}$
3.	AVG - Firewall/Security	1	70.00.
4.	Windows Millennium Optional Software	1	\$260.00-
5.	WebRoots hard drive eraser	1	\$200.00-
6.	Numerous Games C.D. software	Combi ned	\$600.00 -
7.	Webcamera device driver/Software	3	\$20.00 Each -
8.	Set of Dell computer Software/drivers/operating System/ With 5 disk Microsoft word Excell	1	\$400.00.
9.	H.P. Model 6430A System disk	1	\$160.00-
10.	Macfee Security	1	\$50.00-
11.	Norton Security	1	\$125.00-
12.	Key logger Program child Security	1	\$80.00-
13.	Picture Perfect/Photo editing program	1	\$69.99-
14.	Picture Paint / photo editing software	1	\$99.00-
15.	P.C. Doctor software	1	\$40.00-
16.	Driver disks for wireless Internet cards	3	\$60.00 - each
17.	Driver disk for wireless mouse	1	\$49.99-
18.	Microsoft Word perfect	1	\$140.00
19.	Pencilham Security Software/adware, spyware remote	1	\$90.00 -
20.	Windows S.E. 98	1	\$110.00 -
21.	Complete Setup disk set H.P. Pavillion 16 disks	1	\$320.00-
22.	2-SBC Yahoo Internet setup disks	3	\$60.00 each.
23.	A.C.L. Paint and Speak Software	1	\$70.00
24.	A.C.L. Internet Excellerator software	1	\$259.00

- And I'm sure
there's more

Total Cost minus tax \$4,651.99

3-copies Costs of Property Seized on 1-5-07

/books on C.D's /Music CD's Cont.

for downloading, not including the numerous hours involved. A lot of the music I may never again be able to retrieve. Cost's on the lowest side easily Three Thousand dollars probable actually closer to Five thousand dollars.

As to a total cost for family videos and photos. It's hard to put a price on the lost memories, Movies, and photographs that generations will now never have the opportunity to see.

All of these memories even to say Twenty Five Thousand dollars, doesn't really seem like enough to me.

Then a Collection of the Books of Fiction. "The books of Gior," there are 26 books all transcribed to CD's. The costs of these books average out to Eighty Nine dollars and Zero cents per book. For a total cost of \$2,314.00 "Two Thousand Three Hundred four-teen dollars, and Zero cents. No taxes included.